

BILL NO. S-73-04-25

SPECIAL ORDINANCE NO. S-56-73

AN ORDINANCE approving a contract with BERCOT, INC. for construction of a water line to be installed in Eastland Gardens.

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. The Contract approved April 3, 1973, between the City of Fort Wayne by and through its Mayor and the Board of Public Works, and BERCOT, INC. for construction of a water line to serve Eastland Gardens, to be constructed and installed as follows:

5246+ feet of 8 inch and 8205+ feet of 6 inch water main on LeMar Dr., Autumn View Dr., Ridgeway Dr., Dexter Dr., Stinson Dr., Castle Dr., Oakwood Dr., and Chandler Dr., all in Eastland Gardens Addition, Section "B". Said water main with all it's appurtenances shall be constructed in accordance with the profile and specifications now on file in the office of the Department of Public Works of said City.

for a total cost of \$203,490.80 of which the City will be paying \$44,860.30, with the balance of \$158,630.56 to be paid by the property owners, all as more particularly set forth in said contract, which is on file in the Office of the Board of Public Works, and is by reference incorporated herein and made a part hereof, is hereby in all things ratified, confirmed and approved.

SECTION 2. This Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.


Councilman

APPROVED AS TO FORM
AND LEGALITY,

CITY ATTORNEY

Read the first time in full and on motion by Stier, seconded by Slawick, and duly adopted, read the second time by title and referred to the Committee on Public Works (and the City Plan Commission for recommendation) and Public Hearing to be held after due legal notice, at the Council Chambers, City-County Building, Fort Wayne, Indiana, on _____, the _____ day of _____, 197_____, at _____ o'clock P.M., E.S.T.

Date: 6/24/73

Charles W. Whittemore
CITY CLERK

Read the third time in full and on motion by Stier, seconded by Slawick, and duly adopted, placed on its passage. Passed (~~lost~~) by the following vote:

	AYES <u>9</u>	NAYS <u>0</u>	ABSTAINED _____	ABSENT _____	to-wit:
BURNS	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
HINGA	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
KRAUS	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
MOSES	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
NUCKOLS	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
SCHMIDT, D.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
SCHMIDT, V.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
STIER	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
TALARICO	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

DATE: 5-8-73

Charles W. Whittemore
CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as (~~Zoning Map~~) (General) (~~Annexation~~) (Special) (~~Appropriation~~) Ordinance (~~Resolution~~) No. 8-56-73 on the 8th day of May, 1973.

ATTEST: (SEAL)

Charles W. Whittemore
CITY CLERK

Winifred C. Moore Jr.
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 9th day of May, 1973, at the hour of 10:00 o'clock 4 M., E.S.T.

Charles W. Whittemore
CITY CLERK

Approved and signed by me this 9th day of May, 1973, at the hour of 4:30 o'clock P M., E.S.T.

Joan A. Leband
MAYOR

Bill No. S-73-04-25

REPORT OF THE COMMITTEE ON PUBLIC WORKS

We, your Committee on Public Works to whom was referred an Ordinance
approving a contract with BERCOT, INC. for construction of a water
line to be installed in Eastland Gardens.

have had said Ordinance under consideration and beg leave to report back to the Common
Council that said Ordinance Do PASS.

James S. Stier - Chairman

Eugene Kraus, Jr. - Vice-Chairman

Samuel J. Talarico

William T. Hinga

Vivian G. Schmidt

James S. Stier
Eugene Kraus Jr.

William T. Hinga
Vivian G. Schmidt

CONCURRED IN
DATE 5-8-73 CHARLES W. WESTERMAN, CITY CLERK

0.1. Eastland Gardens Addition Section "B"
 March 27, 1973

BID ANALYSIS SHEET

WATER ENGINEERING DEPARTMENT
 FORT WAYNE, INDIANA

CONTRACT Res. No. 1004-72

MATERIAL

ITEM DESCRIPTIONS			Bercot, Inc.		Earth Constr. & Eng.		Water Construction			
UNIT	UNIT	MATERIAL	UNIT BID	EXTENSION	UNIT BID	EXTENSION	UNIT BID	EXTENSION	UNIT BID	EXTENSION
210+	feet	8" C. I. Water Main	9.45	49,234.50	8.50	44,285.00				
35+	feet	8" C. I. Water Main (Restrained)	10.38	373.68	15.00	540.00				
079+	feet	6" C. I. Water Main	8.03	64,874.37	7.70	62,208.30				
126+	feet	6" C. I. Water Main (Restrained)	8.96	1,128.96	14.00	1,764.00				
5	each	Type II Fire Hyd.Assy.on 8" Main	734.00	3,670.00	700.00	3,500.00				
13	each	Type II Fire Hyd.Assy.on 6" Main	674.00	8,762.00	650.00	8,450.00				
4	each	Type III Fire Hyd.Assy.on 6" Main	674.00	2,696.00	700.00	2,800.00				
13	each	8" Valve W/box	279.00	3,627.00	220.00	2,860.00				
15	each	6" Valve W/box	187.00	2,805.00	177.00	2,655.00				
7	each	8" x 8" x 6" Tee	146.00	1,022.00	100.00	700.00				
7	each	8" x 8" x 6" x 6" Cross	348.00	2,436.00	150.00	1,050.00				
130+	Lin. Ft.	12" Cor. Metal Pipe	7.00	910.00	10.00	1,300.00				
800+	Lin. Ft.	8" Vit. Clay Pipe	2.60	2,080.00	8.00	6,400.00				
350+	Lin. Ft.	6" Vit. Clay Pipe	2.37	3,199.50	6.00	8,100.00				
60+	Lin. Ft.	4" Vit. Clay Pipe	2.37	142.20	5.00	300.00				
225+	Lin. Ft.	6" Rein. Concrete Pipe	2.37	533.25	6.00	1,350.00				
260+	Lin. Ft.	Concrete Driveway Repl.	11.00	2,860.00	8.00	2,080.00				
200+	Lin. Ft.	Stone Driveway Replacement	1.75	2,100.00	3.00	3,600.00				
150+	Lin. Ft.	Asphalt Driveway & Street Replacement	3.85	4,427.50	6.00	6,900.00				
50+	Lin. Ft.	Asphalt over Concrete Street Replacement	14.85	742.50	12.00	600.00				
0920	Lin. Ft.	Top Soil & Seeding	.67	7,316.40	.74	8,080.80				
		Total		164,940.86		169,523.10				
176		3/4" Service Taps	165.00	29,040.00	166.00	29,216.00	160.00	28,160.00		
		Total Bid		193,980.86		198,739.10				

CONTRACT AND BOND

This Agreement, Made and entered into as of the.....3rd.....day of

April,.....1973....., by and between

Bercot, Inc.

the County of Allen and State of Indiana, party of the first part, and the City of Fort Wayne, County of Allen, State of Indiana, by and through its Board of Public Works, party of the second part, under and by virtue of an Act of the General Assembly of the State of Indiana, entitled "An Act Concerning Improvements, in or for the benefit of recorded platted additions to and/or within cities and towns." Approved May 16, 1927, and the provisions of all acts amendatory thereto and supplemental thereof.

WITNESSETH, That the party of the first part covenants and agrees to construct

5246+ feet of 8 inch and 8205+ feet of 6 inch water main on LeMar Dr., Autumn View Dr., Ridgeway Dr., Dexter Dr., Stinson Dr., Castle Dr., Oakwood Dr., and Chandler Dr., all in Eastland Gardens Addition, Section "B". Said water main with all it's appurtenances shall be constructed in accordance with the profile and specifications now on file in the office of the Department of Public Works of said City.

for the Following Prices

BID:

ITEM	QUANTITY	UNIT PRICE	EXTENSION
1.	5210+ feet 8" C. I. Water Main	<u>9.45</u>	<u>49,234.50</u>
2.	36+ feet 8" C. I. Water Main (Restrained)	<u>10.38</u>	<u>373.68</u>
3.	8079+ ft. 6" C. I. Water Main	<u>8.03</u>	<u>64,874.37</u>
4.	126+ ft. 6" C. I. Water Main (Restrained)	<u>8.96</u>	<u>1,128.96</u>
5.	5 each Type II Fire Hyd. Assy. on 8" Main	<u>734.00</u>	<u>3,670.00</u>
6.	13 ea. Type II Fire Hyd. Assy. on 6" Main	<u>674.00</u>	<u>8,762.00</u>
7.	4 ea. Type III Fire Hyd. Assy. on 6" Main	<u>674.00</u>	<u>2,696.00</u>
8.	13 ea. 8" Valve W/box	<u>279.00</u>	<u>3,627.00</u>
9.	15 ea. 6" Valve W/box	<u>187.00</u>	<u>2,805.00</u>
10.	7 ea. 8" x 8" x 6" Tee	<u>146.00</u>	<u>1,022.00</u>
11.	7 ea. 8" x 8" x 6" x 6" Cross	<u>348.00</u>	<u>2,436.00</u>
12.	130+ Lin. Ft. 12" Cor. Metal Pipe	<u>7.00</u>	<u>910.00</u>
13.	800+ Lin. Ft. 8" Vit. Clay Pipe	<u>2.60</u>	<u>2,080.00</u>
14.	1350+ Lin. Ft. 6" Vit. Clay Pipe	<u>2.37</u>	<u>3,199.50</u>
15.	60+ Lin. Ft. 4" Vit. Clay Pipe	<u>2.37</u>	<u>142.20</u>
16.	225+ Lin. Ft. 6" Rein. Concrete Pipe	<u>2.37</u>	<u>533.25</u>
17.	260+ Lin. Ft. Concrete Driveway Repl.	<u>11.00</u>	<u>2,860.00</u>
18.	1200+ Lin. Ft. Stone Driveway Replacement	<u>1.75</u>	<u>2,100.00</u>
19.	1150+ Lin. Ft. Asphalt Driveway & Street Replacement	<u>3.85</u>	<u>4,427.50</u>
20.	50+ Lin. Ft. Asphalt over Concrete Street Replacement	<u>14.85</u>	<u>742.50</u>
21.	10920 Lin. Ft. Top Soil & Seeding	<u>.67</u>	<u>7,316.40</u>
Total			<u>164,940.81</u>

The said party of the first part expressly agrees to make the improvements herein specified in strict accordance with the provisions of Watax.....Improvement Resolution No. 1004-72..... and in accordance with the plans, profiles and specifications for the Improvement on file in the office of the Department of Public Works of said city. The resolution, profiles, plans, specifications and bids for work herein specified are hereby made a part of this contract as fully and effectively as if herein set out in full.

The said party of the first part further agrees to do and perform all of said work to the entire satisfaction of the Board of Public Works and to complete the same within75.....days after the date of Execution of this contract. To each of the conditions and stipulations of this contract the undersigned bind themselves, their successors and assigns.

IN WITNESS WHEREOF, We, the foregoing named parties hereunto set our hands this3rd..... day ofApril..... 1973.....

APPROVED AS TO FORM AND LEGALITY

CITY ATTORNEY

BERCOT, INC.

By: *W. Paul Bercot*

Secretary - Treasurer
Contractor, party of the first part.

This contract approved by us this *12th* day of *April*, 1973

BOARD OF PUBLIC WORKS,
Party of the second part.

Mayor *[Signature]*

LIABILITY BOND

KNOW ALL MEN BY THESE PRESENTS, That we Bercot, Inc.

as principal and SAFECO INSURANCE COMPANY OF AMERICA

as surety, are held and firmly bound to the City of Fort Wayne, Indiana, in the sum of

One hundred Sixty Four Thousand Nine Hundred Forty and 86/100 Dollars (\$ 164,940.86.....)

for the payment of which well and truly to be made we jointly and severally bind ourselves, our heirs, executors, administrators and assigns firmly by these presents.

The conditions of the above obligations are such, that if the above named party of the first part shall faithfully comply with the foregoing contract made and entered into the 3rd

day of April, 1973, with the City of Fort Wayne, Indiana, and shall faithfully fulfill all the conditions and stipulations therein contained including the payment of vendors', suppliers and sub-contractors' bills, except the warranty and guaranty of the water main as to the workmanship, material and condition for the period of One (1) year, according to the true intent and meaning thereof in all respects, then this obligation to be void, other wise to be an remain in full force and virtue in law and in the event the said City shall extend for the completion of said work, such extension shall not in any way release the sureties of this bond.

Witness our hands and seals this 3rd day of April 19 73

BERCOT, INC. (SEAL)

BY: *[Signature]* (SEAL)

SAFECO INSURANCE COMPANY OF AMERICA (SEAL)

BY: *[Signature]* (SEAL)

Attorney-in-Fact

Approved this 12th day of April 19 73

Board of Public Works.

The Contractor will furnish immediately a certificate from the Industrial Board of the State of Indiana, that he has complied with Sections 5, 68, 69 of the Workmen's Compensation Act, approved March 14, 1929, in accordance with Section 14 of the Compensation Act (Acts 1929, page 545, being Section 9459 of Burns Annotated Statutes Volume IV). (Section 40-1214 Burns Annotated 1952 Revision—Volume VIII).

A copy of General Ordinance No. G-60-66, concerning discriminating in employment under municipal contracts, is attached and incorporated herein by reference.

GUARANTY BOND

KNOW ALL MEN BY THESE PRESENTS, That we

Bercot, Inc. Contractors

as principal and SAFECO INSURANCE COMPANY OF AMERICA

as surety, are held and firmly bound to the City of Fort Wayne, Indiana, in the sum of One Hundred
Sixty Four Thousand Nine Hundred Forty and 86/100 Dollars (\$ 164,940.86)

for the payment of which well and truly to be made we jointly and severally bind ourselves, our heirs,
executors, administrators, and assigns firmly by these presents.

The conditions of the above obligations are, that whereas the said

Bercot, Inc.

did on the 3rd day of April, 1973 enter into a contract with the City
of Fort Wayne, Indiana, by and through its Board of Public Works, for the construction of a water main
in and along LeMar Dr., Autumn View Dr., Ridgeway Dr., Dexter Dr., Stinson Dr., Castle Dr.,
Oakwood Dr., and Chandler Dr., all in Eastland Gardens Addition, Section "B".

according to certain plans and specifications, and also warranting and guaranteeing the work, material
and conditions of the water main as provided in the aforesaid contract, plans and specifications.

Now, if the said Bercot, Inc.

shall faithfully perform and fulfill all the requirements of said war-
ranty and guaranty, and make all repairs required under said guarantee, and in the manner provided for,
then this bond to be null and void otherwise to be in full force and effect.

WITNESS our hands and seals this 3rd day of April 19 73

SAFECO INSURANCE COMPANY OF AMERICA BERCOT, INC. (SEAL)
BY: [Signature] BY: [Signature] (SEAL)
Attorney-in-Fact [Signature] (SEAL)

Approved this 12th day of April, 19 73

[Signature]
Board of Public Works.

DEPARTMENT OF PUBLIC WORKS
OFFICE OF THE BOARD
CITY HALL

To Whom It May Concern: Fort Wayne, Ind.,19.....

The time in which to complete the within contract is hereby extended by the Board of Public Works
of the City of Fort Wayne, Indiana, until

Board of Public Works.

DEPARTMENT OF PUBLIC WORKS
OFFICE OF THE BOARD
CITY HALL

To Whom It May Concern: Fort Wayne, Ind.,19.....

The time in which to complete the within contract is hereby extended by the Board of Public Works
of the City of Fort Wayne, Indiana, until

Board of Public Works.

CONTRACT AND BOND

No. 19.....
of

for

Amount of Bond

Approved:

Dollars

Board of Public Works.

Recorded in Contract Record Book No.

Page..... Recorded in Imp. Res.

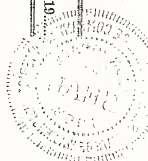
Record Book No. Page.....

Improvement Resolution No. 19.....

Cost per lot \$.....

Assessment Roll Approved

Final Estimate Approved





POWER OF ATTORNEY

No. 2388

KNOW ALL MEN BY THESE PRESENTS:

That General Insurance Company of America and Safeco Insurance Company of America, each a Washington corporation, does each hereby appoint

-----H. STANLEY HUFF, JR.; DONALD F. CAMPBELL, Fort Wayne, Indiana-----

its true and lawful attorney(s)-in-fact, with full authority to execute on its behalf fidelity and surety bonds or undertakings and other documents of a similar character issued in the course of its business, and to bind the respective company thereby.

IN WITNESS WHEREOF, General Insurance Company of America and Safeco Insurance Company of America have each executed and attested these presents

this 3 day of August, 1972

W. D. Hammersla
W. D. HAMMERSLA, SECRETARY

Gordon H. Sweeney
GORDON H. SWEENEY, PRESIDENT

CERTIFICATE

Extract from Article VI, Section 12, of the By-Laws of General Insurance Company of America and of SAFECO Insurance Company of America:

"Article VI, Section 12, — FIDELITY AND SURETY BONDS . . . the President, any Vice President, and the Secretary shall each have authority to appoint individuals as attorneys-in-fact or under other appropriate titles with authority to execute on behalf of the company fidelity and surety bonds and other documents of similar character issued by the company in the course of its business . . . On any instrument making or evidencing such appointment, the signatures may be affixed by facsimile. On any instrument conferring such authority or on any bond or undertaking of the company, the seal, or a facsimile thereof, may be impressed or affixed or in any other manner reproduced; provided, however, that the seal shall not be necessary to the validity of any such instrument or undertaking."

Extract from a Resolution of the Board of Directors of General Insurance Company of America and of SAFECO Insurance Company of America adopted July 28, 1970:

"On any certificate executed by the Secretary or an assistant secretary of the Company setting out,

- (i) The provisions of Article VI, Section 12 of the By-Laws, and
 - (ii) A copy of the power-of-attorney appointment, executed pursuant thereto, and
 - (iii) Certifying that said power-of-attorney appointment is in full force and effect,
- the signature of the certifying officer may be by facsimile, and the seal of the Company may be a facsimile thereof."

I, Wm. Hammersla, Vice President and Secretary of General Insurance Company of America and of SAFECO Insurance Company of America, do hereby certify that the foregoing extracts of the By-Laws and of a Resolution of the Board of Directors of these corporations, and of a Power-of-Attorney issued pursuant thereto, are true and correct, and that both the By-Laws, the Resolution and the Power-of-Attorney are still in full force and effect.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the facsimile seal of each corporation

this 3rd day of April, 1973



W. D. Hammersla
W. D. HAMMERSLA, SECRETARY

DIGEST SHEET

83-04-25

TITLE OF ORDINANCE Water Resolution #1004-1972 water main for Eastland Gardens Add.

DEPARTMENT REQUESTING ORDINANCE Board of Public Works

SYNOPSIS OF ORDINANCE This water line to be installed in Eastland Gardens,

Section "B" will be under bonding procedure. The total cost is \$203,490.80 broken

down as follows:

To Contractor	\$164,940.86
Water taps by Water Construction Department	28,160.00
Engineering & Inspection	8,380.00
Permits	1,960.00
Advertising	50.00

EFFECT OF PASSAGE Water to 176 property owners who will become City Utility
customers.

EFFECT OF NON-PASSAGE Loss of revenue

MONEY INVOLVED (Direct Costs, Expenditures, Savings)

Cost to City is \$44,860.30 with property owners paying \$158,630.56.

ASSIGNED TO COMMITTEE (I.N.)

Public Works

WCH

ORDINANCE CHECK-OFF SHEET

INFORMATION REGARDING ORDINANCE

CONTENTS OF ORDINANCE

BILL NO.	<i>A-73-04-25</i>
ORDINANCE NO.	<i>A-56-73</i>
REGULAR SESSION	<i>4-24-73</i>
SPECIAL SESSION	
APPROVED AS TO FORM AND LEGALITY	<i>Keller</i>
BILL WRITTEN BY	<i>Bl. of Public Works</i>
DATE INTRODUCED	<i>4-24-73</i>
REFERRED TO SAID STANDING COMMITTEE	<i>Public Works</i>
REFERRED TO CITY PLAN	
LEGAL PUBLIC HEARING	
LEGAL PUBLICATION	
JOINT HEARING	
DEPARTMENT HEARING	
HOLD FILE	
<input checked="" type="checkbox"/> PASS	<i>5-8-73</i>
DO NOT PASS	
WITHDRAWN	
SUSPENSION OF RULES	
PRIOR APPROVAL	
ORDINANCE TAKEN OUT OF OFFICE	
OTHER INSTRUCTIONS REGARDING ORDINANCE	
CORRECTIONS MADE TO ORDINANCE	
PEOPLE SPEAKING FOR ORDINANCE	
PEOPLE SPEAKING AGAINST ORDINANCE	

<input checked="" type="checkbox"/>	COMMITTEE SHEET
<input checked="" type="checkbox"/>	VOICE SHEET
	PURCHASE ORDERS
<input checked="" type="checkbox"/>	BIDS
	ORDERS, BIDS OR OTHER PAPERS TAKEN OUT AND BY WHOM
	LETTER REQUESTING ORDINANCE DRAWN UP BY CITY ATTORNEY
	COMMUNICATIONS FROM
	ZONING MAPS
	<i>Bound. Liability - Surety Bond</i>
	ABSTRACTS <i>Contract - Power of Attorney</i>
	TITLES
	PRIOR APPROVAL LETTER

Digest Sheet

COUNCILMAN'S VOTE

	AYES	NAYS	ABSENT
BURNS	<input checked="" type="checkbox"/>		
HINGA	<input checked="" type="checkbox"/>		
KRAUS	<input checked="" type="checkbox"/>		
MOSES	<input checked="" type="checkbox"/>		
NUCKOLS	<input checked="" type="checkbox"/>		
D. SCHMIDT	<input checked="" type="checkbox"/>		
V. SCHMIDT	<input checked="" type="checkbox"/>		
STIER	<input checked="" type="checkbox"/>		
TALARICO	<input checked="" type="checkbox"/>		

COMMENTS: